

# The BAR ASSOCIATION BULLETIN

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# The BAR ASSOCIATION BULLETIN

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VOL. 4

MARCH 21, 1929

No. 7

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*Published the third Thursday of each month by the Los Angeles Bar Association and devoted to the interests of the Association.*

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R. H. PURDUE, *Editor*  
CHAS. L. NICHOLS, *Advisory Editor*

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## LOS ANGELES BAR ASSOCIATION

(City and County—Organized 1888)

Office of the Secretary: 687 I. W. Hellman Building, Los Angeles  
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## Robert H. F. Variel, Jr.

Robert H. F. Variel, Jr., was born at Quincy, Plumas County, California, in the year 1882. He was the son of R. H. F. Variel, a distinguished member of the bar who served as president of the Los Angeles Bar Association in 1900.

Robert H. F. Variel, Jr., came to Los Angeles when only six years of age, and was educated in the public schools of this city, afterwards graduating from the University of California at Berkeley in the Class of 1906. He subsequently studied law in the City of Los Angeles, and was admitted to practice in the year 1909. He became secretary of the Los Angeles Bar Association in the year 1916, at which time its membership consisted of only five hundred members.

On February 28th, 1929, he died in the City of Los Angeles in the prime of his life, and after an illness so brief that his untimely passing came as a shock to all his friends and associates.

During the last thirteen years he devoted almost all of his time and energy to the affairs of the Los Angeles Bar Association, and it was in a great measure due to his zeal, untiring efforts and sense of responsibility, that this Association has made its remarkable growth, so that it now has a membership which numbers more than twenty-four hundred.

In order that a record may be made of the high esteem in which Robert H. F. Variel, Jr., was held by the members of the Bar of Los Angeles County, and that expression might be made of their appreciation, the Board of Trustees of the Los Angeles Bar Association, as its governing body, on the 7th day of March, 1929, unanimously passed the following resolution:

WHEREAS, Robert H. F. Variel, Jr., who has served as secretary of the Los Angeles Bar Association since the year 1916, died February 28th, 1929, after a brief illness, and

Whereas, during the past thirteen years, by his faithful, enthusiastic and efficient services, he has contributed greatly to the growth, usefulness and influence of this Association, and

Whereas, by the high ideals towards which he always aspired, by the love which he had for his profession, and by his constant zeal in upholding these ideals and establishing them as a rule of conduct for the profession, he won public esteem and confidence, and

Whereas, his activities as an officer of this Association, not only inspired in its members and officers implicit confidence in his ability, his motives and his integrity, but merited and won their love and affection, and

Whereas, his sudden and untimely death has brought deep sorrow to the members of this Association and filled them with a sense of heavy loss,

NOW THEREFORE, BE IT RESOLVED: That we will ever hold the memory of Robert H. F. Variel, Jr., our late secretary, in honor and esteem and with a deep sense of appreciation as one who contributed to the uplift and maintenance of the highest ideals of our profession; who served this Association efficiently, his fellowmen faithfully, and justified the memory of his father, and further,

Be it resolved: That this memorial be spread on our records, and that a copy be engrossed and presented to the bereaved widow as a permanent testimonial of the high appreciation of the deceased by the members of the Los Angeles Bar Association and of their heartfelt sympathy at this time of bereavement.

(Signed)

OFFICERS: Guy Richards Crump, *President*; Norman A. Bailie, *Senior Vice-President*; Irving M. Walker, *Junior Vice-President*.

TRUSTEES: Lawrence L. Larrabee, R. P. Jennings, Arthur M. Ellis, Bertin A. Weyl, Clement L. Shinn, Joe Crider, Jr.



ROBERT H. F. VARIEL, JR.,  
SECRETARY OF LOS ANGELES BAR ASSOCIATION,  
1916 - 1929

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# Annual Report of the Secretary for 1928-29

(Filed February 21, 1929)

*To the Los Angeles Bar Association:*

There is presented herewith the annual report of the secretary of the Association for the year of 1928-29.

On February 16, 1928, there were 2453 members in good standing. Since that date 282 lawyers have been received into membership and 36 have been reinstated. During the same period 19 names were placed on the memorial roll, 4 members were expelled and 246 members were placed on the suspended list for nonpayment of dues, leaving the present membership at 2463. The above figures represent a net gain in membership of 10 as compared to the previous year. The high point in membership was reached in December of the present Association year, at which time there were 2716 members on the mailing list.

Those whose names were placed on the memorial roll are as follows:

W. S. Bickler	William T. Helms
Oliver S. Barnum	Ersine M. Ross
John D. Works	George J. Stoneman
Chas. E. Salisbury	Frank H. Gray
John T. Manning	Maurice Gradwohl
Delphin M. Delmas	Edw. L. Rives
Raymond S. Taylor	M. T. Owens
Fred W. Smith	John L. Dyer
C. K. Moffitt	Frank P. Flint
Claude V. Hickman	

With the passing of disciplinary matters to the State Bar in 1927, the secretary's office was enabled to devote a much greater amount of time to the work of the various committees with the result that much of the burdensome detail of the work of setting and holding meetings was taken from the shoulders of committee chairmen—no doubt to their great relief. Your various standing and special committees held an approximate total of 134 meetings (not including Juvenile Court Committee), not counting meetings set and continued for one cause or another, and also not including 52 meetings of your Board of Trustees and 10 monthly meetings of the members. In all there were 196 regular meetings held during the year for the consideration of Association matters.

Much of the work was slow in getting

under way, but taken as a whole the committee members showed a fine spirit of co-operation and but few of the meetings failed for lack of a quorum. Practically all of the thirty-eight standing and special committees have filed final reports and every effort has been and will be made by your Board of Trustees to give effect to the many constructive suggestions and recommendations contained therein.

I shall not take time in this report to go into the matter of standing committee accomplishments, as that will be summarized for you in the report of the chairman of the Committee on Co-ordination of Committees.

During the month of August, 1928, it was the pleasure of the Association to entertain the visiting members of the American Bar Association. Your Entertainment Committee gave them a three day session which left them without a complaint and if any of you have ever had the experience of entertaining two hundred and seventy-five American Bar members, you will know how much of a compliment that is for your Committee.

The members also responded in splendid fashion to assist in the entertainment of the State Bar of California at Pasadena in October of last year and the response in contributions and in automobiles showed an anxiety to please which in some instances quite exceeded the impulse to pay dues.

Some two months ago a plan was inaugurated in the secretary's office for taking care of applications of persons seeking positions in law offices. This system, which was started with the co-operation of the Junior Section of the Association, contemplates that the members of the Association will make use of the material which is gathered for them in the shape of employment applications. The form in use is calculated to give about all the information one could reasonably require in the way of information concerning a particular applicant. There are now some ninety or more applications in the files, covering experienced lawyers, newly admitted lawyers, law students and legal stenographers, office boys, applications for office associations,



etc. The material is there and you are urged to come and use it. Unless you do, it will be more or less of an idle gesture, but with use it may grow to be one of the most valuable gestures of the Association's activities.

During the past year the members have given a more spontaneous support to the monthly programs than at any time within the memory of the writer. Based on the number of persons served, the ten meetings held show a total attendance of 3213 and an average attendance of 321 per meeting, which does not take into consideration those who come in after dinner for the program only. The list of speakers and subjects, which I shall not review, presents a most imposing array of talent and topics and the encouraging comments made from time to time by members, have been, I am sure, most gratifying to your president and your Program Committee.

It is interesting to note that during the first forty-five days of the new fiscal year, well over 1400 of the members paid their dues, and without any more urging than is contained in one simple dues' notice. This is an increase of 400 or more over last year, when about 1000 members paid their dues within 30 days. The writer takes it to be a sign of a healthy interest in Association affairs and a tribute to the able leadership and fine accomplishments of your retiring president.

When the By-Laws of the Association were amended to provide for an Arbitration Committee, it was anticipated that its members would be kept rather busy. It was not, however, until a recent amendment somewhat changed its jurisdiction, that work began to accumulate. Judging from applications now on file, the coming year gives promise of providing plenty of material for what should grow to be another of the Association's useful contributions to the upbuilding of the profession.

Of the work of the Judiciary Campaign Committee following the plebiscite of 1928, little need be said. The result of its labor speaks for itself. Confronted with a difficult task and in the face of much opposition and conflicting opinion, the work was done quietly and expediently. They have left a record for others to shoot with and at.

Of the work of the special committees appointed by President Morrow, it should be noted that among others outstanding re-

sults have been obtained by the Junior Committee, the Committees on Co-ordination of Committees, Inheritance Taxes, Constitutional Rights, Illegal Practices, Court Reporters, Bulletin, Municipal Corporations, New Membership, Programs, Fraternity and Attendance, Plebiscite, Regulatory Commissions, Juvenile Court, and last but not least the Golf Committee. Notwithstanding the immense amount of time devoted to these matters, much of their work is just begun and it will remain for succeeding committees to build on the firm foundations which they have laid. To give just a few of the problems taken up by these special committees, reference is made to the matter of the solution of the present situation in the Police Department, to co-operation with the incoming District Attorney and his staff, to the ambulance chasing problem, the difficulties that have arisen with the decline in the quality of jurors and to the increase in the number of adjusters, to co-operation with local and affiliated bar associations, to co-ordination of the work of local associations with that of the State Bar of California, to the many problems in connection with juvenile delinquency, to correcting the present abuses in the manner of appraising estates, and to the problem of preserving to citizens who, innocently or not, run afoul of the law, their constitutional rights. All but one or two of your special committees have made final reports which will appear from time to time in the BULLETIN, as space permits, together with the reports of the standing committees.

This report would be incomplete indeed, as far as special effort is concerned, if mention were not made of the work done by the Sub-Committee of your Board of Trustees in co-operation with a similar committee of the Superior Court judges, in assisting in the working out of local problems connected with the courts, and with the administration of justice. Under the head of special work, it should also be stated that during the year members of the Association and of your Board of Trustees, including your president, were active in addressing various civic and other organizations, particularly local bar associations, on topics relating to the law and to the profession. Such work is of first importance because in no other way can the public be as well informed concerning the real aims of the Association.

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As illustrative of committee and other activity and of the use made of the secretary's office by members and for the Association affairs, you may be interested to know that during the last twelve months of measured telephone service, the outgoing calls numbered 7,000. Incoming calls are received at the rate of about four for one outgoing, making a total of approximately 35,000 calls handled during that period of time.

We of the secretary's office have endeavored to give service to the members to

the limit of our abilities. If 'phone calls have not been answered as speedily or in as dulcet tones as one might wish, you may guess that possibly we had just received our third successive call for information as to the name of the secretary of the Bar Association of Ashtabula, Ohio, and were in considerable of a daze. We trust that our efforts have contributed somewhat to the progress of the Association and to the convenience of the members.

Respectfully submitted,

R. H. F. VARIEL, JR., Secretary.

E. B. Bowman

N. C. McKnight

A. J. Hughes

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## Annual Report of the Treasurer for 1928

*To the Officers and Members of the Los Angeles Bar Association:*

Your treasurer reports for the year beginning January 1, 1928, and ending December 31, 1928, as follows:

Balance reported in Bar Association Treasury as of January 1, 1928 ..... \$ 1,745.25

### R E C E I P T S

Dues-1928—Dues collected for the year 1928 from 1694 members at \$10.00 each, as per receipts issued therefor bearing numbers 1 to 1694, inclusive .....\$16,940.00

Dues collected from 230 members at \$5.00 each, for which special receipts were issued, numbering from 1 to 230 inclusive, with list herewith returned ..... 1,150.00

(These receipts were issued for special dues for new members, or members of affiliated bar associations.)

Dues collected for year 1927 fees and upon reinstatements, as per special receipts Nos. A-1 to A-37, inclusive, said receipts being for various amounts and totaling . 485.00

\$18,575.00 \$18,575.00

### N E W M E M B E R S

Membership fee received with application of 52 members at \$10.00 each, as per list attached ..... \$520.00

Membership fee with application of 90 members at \$5.00 each, as per list attached ..... 450.00

Total fees from new members ..... \$970.00 \$970.00

### R E C E I V E D F R O M O T H E R S O U R C E S

1928

Feb. 18 — Received from State Bar of California, money expended on their behalf .....\$ 1,235.53

April 4 — Received from State Bar of California, refund of money expended on Membership List ..... 441.65

May 9 — Received from Los Angeles Bar Association, Judiciary Campaign Committee, (refund of money advanced) .... 1,000.00

June 26 — Received from Judiciary Campaign Committee, (refund of money advanced) ..... 125.00

Oct. 26 — Received from A. W. Eckman, (refund on costs) ..... 1.90

Oct. 30 — Received from Entertainment Committee of State Bar Meeting at Pasadena, California, balance in hands of Committee ..... 933.00

Dec. 7 — Received from Judiciary Campaign Committee to be held for their benefit ..... 685.78

Interest received from bank for money on deposit as per memo attached ..... 71.35

\$4,494.21 \$4,494.21

(Continued on Page 219)

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## The President's Page

### *Fellow Members,*

### *Los Angeles Bar Association:*

In taking over the guidance of the Los Angeles Bar Association for the coming year, I am mindful not only of the high honor of the presidency of the fourth largest local association, and probably the most active in the United States; but of the responsibilities which that office carries with it.

To such an extent has the work of the Association developed in the last few years, particularly under the constructive leadership of Mr. Hubert Morrow and Mr. Kemper Campbell, that one who would even attempt to do justice to the work, must be prepared to devote a large part of his time to Association affairs. This I am prepared to do. But the successful development of the activities of the Association rests not with the president alone, but with the Board of Trustees, committees and the membership at large, and I believe that I have the right to seek and receive the co-operation of all members of the Association.

I shall also welcome constructive criticism at any time. If the Association is doing something of which you do not approve, or if it is not doing something which should be done, tell me about it, or tell the Board of Trustees about it. The officers of the Association are willing and anxious to carry out the wishes of the members. Please help them do this, and if there is anything wrong, tell the officers, instead of "cussing" them without giving them a chance to correct it.

During the past year Mr. Morrow has initiated two very important movements, to which I pledge my hearty support: first, the creation of a Junior Committee, which includes all members who have practiced less than five years; second, the Committee on Constitutional Rights. I also pledge my hearty support to the work begun by the Association some six or seven years ago, under the leadership of Mr. Kemper Campbell, with reference to participation in the selection of qualified candidates for judicial office. In this behalf, however, I believe that the work of the Association may well be broadened by including the

offices of district attorney and city attorney of Los Angeles. This is to be understood, however, as merely my personal opinion, and not as the opinion of the Board of Trustees or the other officers.

I am deeply interested in the work of the Arbitration Committee, the scope of whose activities has been broadened by a recent amendment to the By-Laws. Under the leadership of Judge Dana R. Weller, who has consented to accept the chairmanship of this committee, in addition to his other work in the State Bar and local association, we are entitled to expect the best results.

While the BULLETIN has steadily grown in usefulness and value to the members, it has not yet fully met the expenses of its maintenance. This should be corrected, and Mr. Norman Bailie, first vice-president of the Association, has consented to undertake the task of putting the BULLETIN on a paying basis.

The selection of the committees of the Association for the ensuing year has received careful attention. In several instances, where the work of committees was incomplete, they have been reappointed. In other instances I feel that it is not fair to continue to impose the onerous duties of committee work on men who have given so freely of their time. In each instance an attempt has been made to select for committees men particularly qualified, and while there are many others who might have been appointed and whose qualifications are equally as great, it is difficult in an organization of the size of the Los Angeles Bar Association to recognize the merits of all, and I trust that I shall be pardoned for having failed to place all of the deserving members on committees. During the year additional committees will be appointed, and I shall endeavor to make the committees as representative as possible.

The president and Board of Trustees are justified in expecting committees to function, and that the members of the committees shall devote a reasonable amount of time to committee work. If, therefore, any member of a committee finds that the work of his committee requires more of his time than he can give, I shall

(Continued on Page 206)

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**CATESBY C. THOM,**  
**Vice President.**

## THE PRESIDENT'S PAGE

(Continued from Page 204)

appreciate his notifying either Mr. Lewis Elkins, acting secretary, or myself of that fact, so that someone else may be appointed in his place. The chairmen of committees will be held responsible for committee activities.

The finances of the Association are in better condition than they have ever been. We shall endeavor this year to operate as economically as efficient operation will permit.

Especial attention has been given to the selection of a Program Committee. This committee consists of Mr. Kimpton Ellis, Chairman, Miss Florence Bischoff, Honorable Clair Tappaan, and Messrs. Justin Miller and Louis Guernsey. To this com-

mittee is assigned the job of providing the most interesting meetings which can be had. Efforts will be made wherever possible to obtain noted out of town speakers. It is my purpose generally to have not more than two speakers at any meeting, one upon a strictly legal subject, and the other upon a subject not directly connected with the law. We shall also endeavor to avoid long meetings and prolixity. On the part of the members we expect a better attendance.

While I have invited suggestions of criticism from the members, I trust that all will remember that the burdens of the presidency are heavy enough at the best, and that all will endeavor to keep them from becoming unnecessarily heavy.

GUY RICHARDS CRUMP.

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## Los Angeles Bar Association MONTHLY MEETING AND DINNER

### CHAMBER OF COMMERCE

### Thursday Evening, March 21, 1929

### 6:00 P. M.

---

MR. JOHN G. MOTT, will speak, informally, on some features of his South American trip with President-Elect Herbert Hoover.

MR. HERBERT J. GOUDGE will speak on "A MEDIEVAL REVIVAL." The speaker will, we are informed, propound the theory that we are becoming medieval-minded in respect to the confusion of law and morals, in the assumption that a divine right inheres in the voting majority and in the attribution of a moral sanction to all law; with a consequent tendency to revive the methods of the Inquisition in aid of law enforcement.

Mr. Mott and Mr. Goudge are two of the most distinguished members of the Bar in California, and their addresses are certain to be both interesting and instructive.

This will be the first meeting under Judge Crump's administration, and it is hoped that we shall have a large attendance.

If unable to be present at the dinner, you are welcome to attend the program which will commence at 7:30 p.m.

#### PROGRAM COMMITTEE:

Kimpton Ellis, *Chairman*  
Florence M. Bischoff  
Louis G. Guernsey  
Justin Miller  
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# Annual Report of the Committee on Co-ordination of Work of all Committees for 1928-29

(Filed February 21, 1929)

*To the Los Angeles Bar Association:*

The Committee was requested by the president to study and make recommendations in respect to a plan for co-ordinating the activities of the Los Angeles Bar Association and its various committees with those of the corresponding sections of the State Bar. A sub-committee was appointed to investigate the matter thoroughly, and conferences and correspondence were had with representatives of the State Bar, and thereafter the report and recommendation of the sub-committee was approved by this Committee as follows:

"IT SHALL BE THE DUTY of each committee now existing or that may hereafter be created whose functions correspond to those of a State Bar section or committee now existing or that may hereafter be created, to co-ordinate its work with that of such State Bar section or committee, and to that end, each such committee should:

- "1. Formulate and recommend to the State Bar sections such reforms or other measures as the Los Angeles Bar Association, or its Board of Trustees, may desire to effectuate through the State Bar.
- "2. Keep fully advised of all other measures proposed to the corresponding State Bar sections or committees.
- "3. Consider and report promptly to the Board of Trustees of the Association, findings and recommendations upon such other measures.
- "4. Actively participate in the deliberations of all meetings of the State Bar sections or committees for the purpose of securing approval or disapproval of measures under consideration in accordance with the conclusions of the Board of Trustees or the Bar Association as expressed at a general meeting.
- "5. Report promptly to the Board of Trustees of the Bar Association upon all action taken by the State Bar sections or committees."

In the opinion of the Committee, the

committees of the Los Angeles Bar Association corresponding to the sections named by the State Bar were as follows:

STATE BAR SECTIONS	L. A. BAR ASSOCIATION COMMITTEES
Civil Procedure	Committee on Pleading and Practice
Criminal Law and Procedure	Committee on Pleading and Practice
Regulatory Commissions	Legal Ethics Committee
Professional Conduct	Committee on Unlawful Practice of the Law
	Committee on Illegal Practice
Courts and Judicial Officers	Committee on Courts of Inferior Jurisdiction
	Committee on Judiciary
	Committee on Court Reporters

It was suggested to the president that a Special Committee on Regulatory Commissions be appointed, to be charged with the same functions and duties as may be delegated to or assumed by the corresponding section of the State Bar, and it was also recommended that members of our local committees be directed to enroll in and attend upon the meetings of the corresponding sections of the State Bar.

The proper co-ordination of the work and activities of the local Bar Association with the State Bar, in order to avoid a duplication of effort and prevent waste of time, in the very nature of things, has not been possible of accomplishment within the short space of time since the State Bar Act became effective. The solution of this problem will depend upon the adoption of practical working plans, and the loyalty of the members of the various committees and their willingness to co-operate with the corresponding sections or committees of the State Bar in such manner as may be outlined for their guidance.

The Committee was also requested by the president to study and make recommendations in respect to the difficulties confronting the Bulletin Committee, and the problem of how to avoid the increasing deficit sustained by the Association on account of the publication of the BULLETIN, and to assist in the endeavor to place the BULLETIN upon a paying basis.

For the purpose of assisting the presi-

# THE JURY

in making a decision relative to our allegations of *Superlative Service* will be influenced by many factors, chiefly, however by . . . . .

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dent and Board of Trustees, this Committee was requested to supervise, in some degree, the work of all of the committees, and to keep in touch with their activities and to furnish the Board of Trustees from time to time with the recommendations of this Committee in regard to the reports of the committees and the progress of their work. Accordingly, throughout the year reports of all committees, when filed, were referred to and considered by this Committee, and were then transmitted to the president and Board of Trustees, together with the recommendations of this Committee respecting the same; and from time to time suggestions were made to the president concerning the activities of the various committees and additional suggestions for their consideration.

At the request of the Board of Trustees, this Committee made suggestions for certain changes in the By-Laws of the Association, and also recommended:

1. That the following special committees be made standing committees, to-wit: Committee on Illegal Practice, Bulletin Committee, Program Committee and Committee on Co-ordination.

2. That the Publicity Committee and the Fraternity Committee be dispensed with.

3. That three successive unexcused absences from committee meetings should be deemed to constitute a resignation from a committee.

4. That each committee be required to keep a record of its deliberations and transactions, and promptly furnish the secretary with copies of its minutes, etc.

5. That the publication of the Annual be placed under the supervision of the secretary as one of his duties, subject to the control of the Board of Trustees.

This Committee desires to acknowledge its appreciation of the very faithful and efficient assistance which it has received at all times from the office of Mr. R. H. F. Variel, Jr., the secretary of the Association, and from Mr. J. L. Elkins, the assistant to the president.

Respectfully submitted,

Clyde C. Shoemaker, *Chairman*.  
Garvin B. Shaw, Jr.  
Allen W. Ashburn  
Clement L. Shinn  
Joseph W. Vickers  
Albert W. Leeds  
Alex W. Davis

## Annual Report of the Committee on Juvenile Court for 1928-29

(Filed February 20, 1928)

### *To the Los Angeles Bar Association:*

The Juvenile Court Committee of your Association presents to you herewith a report of its activities and recommendations for proposed legislation. The Committee has held a number of meetings in co-operation with Judge Robert Scott of the Juvenile Court, Mr. Francis Hiller of the National Probation Association and representatives of the Probation Department. The membership of the Committee includes representatives of the District Attorney's office, Public Defender's office, and the County Counsel's office. A report of the survey prepared by Mr. Hiller, which survey and report were made possible by a gift of the Rotary Club of this city, has been studied with care by your Committee. The Committee agreed upon a number of proposals which it recommended for the consideration and approval of the Bar Association in a report presented under date of December 22, 1928. Thereafter the report was considered by the Board of Trustees of Los Angeles Bar Association and referred back to the Committee for further consideration. On February 14 another meeting of the Committee was held at which time the report of December 22, 1928, was further considered and the present report is submitted including only those proposals which were approved by the Board of Trustees. As to proposals disapproved, proposals not approved and other matters not reported on, your Committee has decided to ask for an opportunity to continue its studies and to report further at a later date.

The following are proposals and recommendations heretofore submitted and approved with explanatory statements added in each case:

(1) That Section 11 of the Juvenile Court Law be amended to increase the maximum amount which may be allowed for the support of wards of the court from \$25.00 to \$35.00 per month.

It has been found that the allowance of \$25.00 now provided as a maximum by the law is not sufficient to care for children who have been committed to foster homes as wards of the Juvenile Court. Approxi-

mately one thousand such children are now being cared for in such homes. The amount of \$25.00 has been found particularly inadequate to provide clothing for such children. In many instances it has been necessary to call upon private charity for assistance in clothing the county's wards. This proposal has also received the approval of the California Commission for the Study of Problem Children. At page 27 of the report just issued by that commission appears the following paragraph upon this point:

"At the present time in California there are 4800 children who have been placed in foster homes. These children have been placed in these homes because of unsuitable conditions in their own homes, illness or death, separation of parents, or other similar facts. The use of foster homes is to be encouraged; however, the commission feels that the most important problem in regard to foster homes is the improvement of the kind of home available for court wards.

"At the present time the counties are limited by the Juvenile Court Act to an expenditure of not more than \$25.00 on foster homes. This has proven to be insufficient to meet the needs of these children. It has been strongly urged that this limitation be raised to \$35.00 per month in cases in which, in the opinion of the court, such increase is necessary. It is therefore the recommendation of the commission that paragraph 1, of Section 11, of the Juvenile Court Act of 1915 be so amended as to allow this increase."

(2) That Section 11 of the Juvenile Court Law be further amended to allow for the making of payments for the care of children "in whose behalf petitions for delinquency or dependency have been filed," but who have not yet been declared wards of the court, such allowances to be made only upon the order of the Juvenile Court.

At the present time there is no provision for the care of children who are being held on charges of delinquency or dependency but who have not yet come into court for

hearing upon such petitions. Of course it is obvious that such children require the same sort of care as those who have already been declared wards. The present alternative seems to be to place such children in jails or other places of detention unsuited for such purposes. In the case of young children, especially those who are not in any sense delinquent, but who are being held because of sickness or death or other inability on the part of the parents to care for them, the detention of such children under jail conditions is especially repugnant. If the amendment proposed is adopted, proper provision may be made for the care of such children in foster homes.

(3) That the sub-committee of the Committee on the Juvenile Court be authorized to prepare appropriate legislation to accomplish the foregoing amendments to Section 11 of the Juvenile Court Act and to take them up with the State Commission for the Study of Problem Children for presentation at the present session of the Legislature.

Since the approval of this recommendation by the Board of Trustees your Committee has presented its conclusions to the State Commission for the Study of Problem Children and to a number of the members of the State Legislature who have sat with the Committee in its deliberations.

(4) That since the offices of the probation officer and head of the charities department of Los Angeles County were consolidated, the work of both of these offices has nearly trebled; that your Committee is of the opinion that the work of the two offices is too much for any one man to handle adequately; that the Bar Association should recommend to the Board of Supervisors that the Probation Department be segregated from the Department of Charities; that this recommendation be not considered in any way as a criticism or reflection on the work of the present head of the two departments, but that efficient county administration and the securing of the proper results in each of the two departments requires such a separation and requires further that separate salaries should be provided for the head of each of such offices which salaries should be commensurate with the duties and responsibilities thereof.

In the Hiller Report referred to in the

first paragraph of this report on page 13 and on pages 20 and 21 there are to be found the following statements regarding this problem:

"The chief probation officer . . . in Los Angeles County should give his entire time to the probation department, should be conversant with all its details, and should be in constant direction of the probation work, under the general authority of the court. The enormous volume of the work in this county makes it impracticable for the chief probation officer to act also as superintendent of the county charities. The theoretical advantages of this combination appear in practice to be greatly outweighed by the obvious disadvantages."

\* \* \*

"The position demands a person of experience, of executive ability and of personal qualifications of a high order. The examination should be open to candidates from all parts of the country, and a salary should be offered sufficient to secure the services of a person who can, in co-operation with the court, county officials and social agencies, put the Juvenile Court probation work in Los Angeles County on a standard equal to the best."

\* \* \*

"The chief county probation officer in Los Angeles at present is paid \$300 a year as such, the remainder of his salary of \$7,500 being paid to him as Superintendent of Charities. A salary of not less than \$6,000 should be offered for the position of full time chief probation officer of Los Angeles County Juvenile Court."

(Hiller Report, pages 13, 20 and 21.)

Your Committee is satisfied that Mr. W. H. Holland, the present head of the two consolidated departments, is carrying on the work thereof as well as it can be done by one person and feels that this fact demonstrates the necessity for the separation of the offices as recommended.

(5) That closer co-operation should exist between the Civil Service Commission, the Probation Department and the Juvenile Court in the selection of probation officers; that representatives of the probation office, of the Juvenile Court and of the Juvenile Court Committee of the Los Angeles Bar Association should be invited to participate in

the oral examinations of all candidates for probation officers provided that such representatives should not be permitted to participate in the marking of examination papers or the grading of candidates.

The success of the administration of the Juvenile Court Law depends upon a carefully selected, properly trained and adequately paid staff, not only of judges and referees but also of probation officers. The best knowledge and experience in the field should be made available in the selection and training of these officers. Many different problems are involved in the work of the probation officers and many types of training and abilities are required for the successful performance of the work. If representatives of each of the interested groups were made available to the Civil Service Commission in the performance of this part of its duties, it stands to reason that its work could be better performed and that better qualified persons would be provided for appointment. As the Bar Association is the most disinterested of any of the groups referred to, its representatives would be in the best position to carry such a suggestion to the Civil Service Commission which is the responsible body.

(6) That close co-operation is desirable between the Board of Supervisors and the Juvenile Court regarding the appointment of probation officers and members of the probation committee. Before any further appointments are made, conferences should be had between the Board of Supervisors and the judge of the Juvenile Court relative to the personnel of the staff of probation officers and the personnel of the probation committee; that the Bar Association should suggest to the Board of Supervisors and to the judge of the Juvenile Court the desirability of such co-operation and of such conferences.

"The law provides for a county probation committee of seven members serving without pay. Under the State law the members are to be appointed by the judge of the Juvenile Court, and one of its duties is to nominate probation officers for appointment by the judge; but there is an exception as to counties having a different charter provision. In Los Angeles County the charter provides that the members of the probation committee shall be ap-

pointed by the Board of Supervisors, and the committee has no duties in connection with the appointment of probation officers, but is charged with the management of the county institutions for the care of children, including Juvenile Hall (the detention home) and El Retiro, the county school for delinquent girls."

(Hiller Report, page 11.)

"The Los Angeles County Juvenile Court does not have a separate probation department of its own. Under the county charter, as authorized by a provision of the State law, a county probation officer is appointed by the county board of supervisors, under civil service. . . . He in turn appoints all the assistant probation officers, also under civil service."

(Hiller Report, page 10.)

The reasons for this recommendation are practically the same as those given for recommendation number 5. As the chief probation officer is appointed by the Board of Supervisors; as the probation committee is appointed by the Board of Supervisors; and as the Civil Service Commission is appointed by the same body, it is obvious that the Board of Supervisors is the governmental unit which largely controls the successful administration of the Juvenile Court law. The one elective official in the group is the Juvenile Court judge. It seems obvious that the successful administration of this work requires harmony and close co-operation. This harmony and close co-operation is secured in the other counties of the State by making the appointment of the probation committee and the appointment of the probation officers a duty of the Juvenile Court judge. As these duties have been separated under the county charter it becomes important to insist upon close and intelligent co-operation between the various officers who now have this divided responsibility. The Bar Association is in the best position to urge the importance thereof and to secure its accomplishment.

(7) That Section 16-a of the Juvenile Court Law be amended to provide for private hearings, not only upon the request of one of the parties, as is now provided, but also in the discretion of the judge of the Juvenile Court.

The desirability of private hearings in many Juvenile Court cases will be ad-



mitted without question by most persons. Children of tender years should not be subjected to the embarrassment of public hearings; they should not be hardened by being subjected to the curious scrutiny of morbid people; their cases should be adjusted under conditions approximating, as nearly as possible, the conditions existing in a normal home. The person who insists upon public hearings in such cases, has failed to grasp the essential difference between a criminal trial and a Juvenile Court hearing. In the case of an unprotected child, unrepresented by parent or other sponsors or represented by unintelligent or unmoral parents, he is entitled to the same consideration as a child who is so protected. This can be secured only by placing power in the judge to require private hearings.

(8) That section 20 of the Juvenile Court Act should be amended to provide that the duty of transporting all children alleged to come within the provisions of section 1 of the Juvenile Court Act, to State institutions be lodged with the Probation Department subject to the control and supervision of the court."

"The responsibility for transporting to State institutions children under commitment from the Juvenile Court, and for their custody pending transportation, should be given to the court and probation department. Boys of 15 are now brought from Juvenile Hall to the county jail, handcuffed together, escorted by deputy sheriffs in automobiles to the train, still handcuffed, and so taken on to Preston. Older boys are taken direct from the jail in the same manner. The younger boys especially feel that they are being turned over to a criminal department. Very few of them really need to be handcuffed to be taken anywhere. It would be of mutual benefit to probation officers and to wards of the court for the probation department to have charge of this transportation under order of the court. In not a few instances it is best to arrange for parents themselves to take children to institutions."

(Hiller Report, page 16.)

Superintendents of the institutions for the custody and care of delinquents state that the effect of such treatment frequently results in making these youngsters think

that they are desperate criminals or heroes to such an extent that they are handicapped in the work of rehabilitation for several weeks or months after the boys are placed in their custody.

(9) That the Juvenile Court Law should be amended to provide that no juvenile under the age of 16 years should be confined in any jail or prison either before or after commitment unless such person shall have been transferred by the Juvenile Court to another court for proceedings not under the Juvenile Court Law and unless such person shall have been charged with or convicted of a felony and that no person under the age of 18 years should be confined in any jail or prison in any county, in which other detention facilities for juveniles have been provided outside such jail or prison, except upon order of the court having jurisdiction over the case of such person, and that no person should be detained in, confined in, or committed to any alms house or hospital except for medical care and treatment.

"The Juvenile Court Standards (U. S. Children's Bureau Publication No. 121, page 4) states that "children should not be detained in jails or police stations.' 'Incubators of crime' was the name given to jails by Honorable H. G. Cochran, judge of the Juvenile and Domestic Relations Court of Norfolk, Va., at the 1928 Conference of the National Probation Association. 'Jails,' according to Judge Cochran, 'defeat the very purpose for which they were built. None of these prisons in any sense reform or make useful citizens of those confined in them. Fear of punishment has little effect in deterring crime.' Yet jail detention of boys 16 and 17 is a common practice in Los Angeles County at present, and most of these boys are under the jurisdiction of the Juvenile Court."

\* \* \*

"The last published report of the State Department of Public Welfare shows that jail detention of minors is more frequent in proportion to the population in Los Angeles County than in the State generally; in 1925 there were 1,869 minors so held in the State, of whom 929 were in Los Angeles County, and in 1926 there were 2,183 of whom

1,294, considerably more than half, were in Los Angeles County."

\* \* \*

"It will be observed . . . that some of these boys are awaiting hearing in Juvenile Court, perhaps for a first offense, while others are under commitment to the State Industrial School by the Juvenile Court, and still others have been transferred to the Superior Court. We thus have associated together boys of widely varying degrees of delinquency. The association is inevitably demoralizing to many of them, especially as some of them have committed only such minor offenses as truancy.

This situation would be bad enough if these boys were held only for a day or two, but . . . they are held for considerable periods."

(Hiller Report, pages 47, 48 and 49.)

(10) That section three of the Juvenile Court Act should be amended to provide for approval by the chief probation officer of all petitions regarding delinquency and dependency before the same shall be filed, except where otherwise provided by the court.

"The complaint or investigation division (by whatever name it may be called) can obviate filing of petitions in trivial cases, and in cases which can be adjusted otherwise, e.g.: by reference to some other public or private social agency. This saves clerical work and eliminates official court records for many children;

"The number of children placed in detention in jail or in Juvenile Hall can be reduced, all persons having complaints to make, including the police, should be referred to this division. In many cases it will be obvious at the first interview that detention pending hearing is unnecessary. In other cases this can be determined after a comparatively brief investigation."

(Hiller Report, page 27.)

(11) That in view of the fact that the State institutions for housing young offenders are now filled to capacity, making it impossible for them to accept any new commitments and in view of the fact that the average number of commitments from Los Angeles County alone is about twenty-two per month, the Bar Association should lend its support to the project for obtaining addi-

tional State institutions for housing young offenders.

"It would at first appear that the need for additional institutions, especially for boys, is urgent. This impression arises from the number of boys now held in detention for long periods under commitment to institutions. During April and May, 1928, there were in the county jail under commitment to Preston by the Juvenile Court, as previously noted, from 17 to 22 boys daily, and they were held there an average of 46 days. There were in Juvenile Hall from 1 to 19 boys under commitment to Whittier, an average daily of 14, and they were held from 20 to 109 days each, an average of 48 days. While this undoubtedly constitutes a most urgent situation, the best remedy is not so clear.

"With regard to the older boys, of whom the most seriously delinquent are sent to the Preston School of Industry, it is submitted that the best measure would be the establishment of a State reformatory for young men of 18 to 27, to which the older boys now in Preston should be transferred, leaving Preston to be used entirely for younger boys. At present boys from 15 to 20 years of age, inclusive, may be committed to Preston. As a matter of fact there are sent to Preston many young men 21 years of age and older, they or their parents having given their ages as under 21. In some cases the courts and prosecuting authorities have not been disposed to question these understatement very strictly, as the alternative institution would be the State prison, and some of these young men are not properly subjects for that institution. As a result Preston now contains a large number of grown-up young men of 21 to 25, and the institution, in fact, has the aspect more of a reformatory for young men than a correctional institution for delinquent boys. If the State does not establish such a reformatory, Los Angeles County will be obliged to provide an institution for juvenile delinquents."

(Hiller Report, pages 54 and 55.)

(12) That there is immediate need for the construction of a Juvenile Court administration building on the land now owned by the county on Eastlake Ave. taking the Juvenile Court entirely away



from the criminal courts, and making the handling of delinquents and dependents much easier because of the close proximity of such a building to other buildings now used in Juvenile Court work. The plan would be to house not only the probation department and the Juvenile Court, but the referees and the juvenile department of the clerk's office. That the Bar Association should communicate to the Board of Supervisors its advocacy of this proposal and of the need for its accomplishment.

The theory of the Juvenile Court is that its wards and those who are there for hearings upon petitions are to be treated not as criminals but as children who need the care and direction of parents, the State acting in the capacity of the parent. This being true it is highly desirable that these children should be removed as completely as possible from the atmosphere of the criminal courts and from association with those persons who, necessarily or otherwise, frequent the criminal courts and the places used for the detention of adults charged with crime. The available land now owned by the county and the splendid plant already constructed for use in Juvenile Court work makes the adoption of this

suggestion one of easy accomplishment and one highly to be desired.

Economy would be probably effected by such action since it would make available for other uses the relatively more valuable floor space in the Hall of Justice now being used by these departments, and the court room now occupied by the Juvenile Court could then be used by a criminal department. It would add to the efficiency in handling the work of the court and probation office because of their nearness to the juvenile clinic and detention home.

(13) In view of the many problems which have been under consideration by your Committee and on account of its inability to complete its deliberations and to make recommendations upon several important questions it is further recommended that the Committee be continued for another year.

Respectfully submitted,

Justin Miller, *Chairman*

John Beardsley	Caroline Kellogg
Benno M. Brink	Robert H. Kenny
Eli F. Bush	Edna Plummer
Wm. W. Crary	Paul Vallee
Percy V. Hammon	Fred'k. H. Vercoe
George A. Hooper	Florence Woodhead

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## Amendment to Section 3, of Article VIII, of the By-Laws of the Los Angeles Bar Association

Recommended by the Special Committee Appointed Pursuant to Action Taken at the Regular Meeting of the Association, Held Jan. 17, 1929, and Adopted at the Regular Meeting of the Association on Feb. 21, 1929.

RESOLVED, That Section 3 of Article VIII of the By-Laws of the Los Angeles Bar Association be amended to read as follows:

3. A Committee on the Judiciary which shall consist of nine (9) members.

Subdivision A. This committee shall be charged with the duty of observing the practical workings of the courts of record, both criminal and civil, and of making such recommendations to the Association with respect thereto as it may deem advisable.

It shall be the duty of this committee to consider and investigate any complaint which may be laid before it of such conduct upon the part of any judicial officer as would justify the impeachment of such officer, or other disciplinary action against him, and if in the opinion of the committee the complaint is well founded it shall report the same to the Board of Trustees for action, and the Board of Trustees shall thereupon be authorized to take such action as in its judgment is proper.

The committee shall also have power to consider complaints made against clerks or other ministerial officers and attendants connected with the courts, and if it finds such complaints well founded to bring the matter before the Board of Trustees for action.

Subdivision B. This committee shall, prior to all regular primary elections at which candidates for any office of judge of the Superior Court of Los Angeles County, or of the Municipal Court of the City of Los Angeles, are to be voted upon, and prior to all other elections or appointments to judicial office as may be ordered by the Board of Trustees, conduct a plebiscite for the purpose of passing upon the qualifications of candidates for election or appointment to judicial office and of determining the candidate best qualified for

such office, which plebiscite shall be conducted in the manner hereinafter directed; provided, however, that the Association or the Board of Trustees may delegate to a special committee to be appointed by the president the conduct of any such plebiscite. The committee conducting any plebiscite shall be charged with the following duties:

(a) It shall gather biographical information concerning all candidates for election or appointment to the Superior Court of Los Angeles County, the Municipal Court of the City of Los Angeles, and such other judicial offices as the Board of Trustees may from time to time determine upon. From the material so gathered the committee shall, where there is more than one candidate for the same office, print for the information of the members of the Association, data as to each candidate, giving his age, period of practice in California, extent and nature of his education and practice, and such other facts as may be of value in determining his qualifications for the particular office sought by such candidate. It may endeavor to induce fit persons to become candidates.

(b) To prepare and mail to each member of the Association such data, together with a ballot containing the names of all candidates for election or appointment, provided there is more than one candidate for the office to be filled, the names of the candidates being bracketed according to the office to which election or appointment is sought. Each ballot shall be so arranged as to require the voter to express his opinion as to which candidate is best qualified for the particular office to which election or appointment is sought. The time of mailing ballots and the time when ballots must be returned in order to be counted and all details respecting the time and manner of voting, the counting of ballots and the conduct of the plebiscite (except as herein specifically set forth) shall be

determined and fixed by the Board of Trustees.

(c) *Said opinions expressed upon each of said ballots shall be canvassed and tabulated by said Committee, and with the information so obtained, the following conclusions shall be reached.*

*If it appears, by the vote of a majority of those who have expressed an opinion upon the qualifications of the candidates for a particular office, that one of them is best qualified for the office sought, such determination shall be deemed the judgment of the Association as to his qualifications and he shall be endorsed by the Association.*

(d) The Board of Trustees may order a further plebiscite taken as to any office or offices when a prior plebiscite shall have failed to result in the endorsement of a candidate or candidates therefor, or in the event of the defeat of the Association's candidate in a primary election, or in case of a tie vote, or for other good cause. When there are more than two candidates for an office, the Board of Trustees may on second plebiscite eliminate all but the

two candidates receiving the highest number of votes at the prior plebiscite.

(e) The Association, through its Board of Trustees, shall conduct a campaign in the ensuing primary and general elections in favor of all candidates endorsed for election, and shall recommend all candidates endorsed for appointment. Such campaign shall be nonpartisan in nature and shall include a thorough dissemination to the voters of the qualifications of the candidates endorsed, and such other facts as the Board of Trustees may deem advisable. The expenses of such campaign shall be raised in such manner as the Board of Trustees may direct.

(f) It shall be contrary to the spirit and purpose of the plebiscite for any candidate to campaign for himself or herself, or for any member or members of the Association to campaign or join in a campaign for the support of any candidate, by petition, circulars, letters, postals, telephone, or otherwise to endeavor to influence the vote in the plebiscite.

A copy of this sub-section shall be printed in all plebiscite ballots.



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**TREASURER'S REPORT FOR 1928**

(Continued from Page 202)

**BULLETIN ACCOUNT**

1928			
Feb. 1	— Received from Los Angeles Bar Bulletin .....	\$ 361.80	
Feb. 27	— Received from Los Angeles Bar Bulletin .....	327.00	
		<u>\$ 688.80</u>	<u>\$ 688.80</u>
	Total receipts during year 1928 .....	\$24,728.01	
	Which together with balance from last year of .....	1,745.25	
	Makes total resources of .....	\$26,473.26	\$26,473.26

**DISBURSEMENTS**

Paid out by Checks Nos. 1240 to 1471, inclusive, in payment of warrants issued and signed by the president and secretary, and for which Vouchers and Receipts Nos. 1240 to 1471, inclusive, are in the hands of your treasurer, and which are returned herewith .....	\$25,756.81
Leaving a balance in Bar Association Treasury, January 1, 1929 ..	\$ 716.45

Respectfully submitted,  
T. W. ROBINSON,  
*Treasurer.*

NOTE: No accounting is made herein of any moneys collected by voluntary subscription by the Judiciary Campaign Committee or the Special Entertainment Committee, as these funds were handled exclusively by said Committees. The balance remaining in their hands, after their work was concluded, was deposited in the General Fund, and is reported as above.

EDITOR'S NOTE: *An examination of the itemized statement of disbursements attached to the above report reveals the fact that a considerable indebtedness from the year 1927 was paid during the year 1928, so that a substantial gain, in excess of \$3,000.00 was made during the past year in the finances of the Association.*

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## Attendance Honor Roll for 1928-29

### MEMBERS WHO ATTENDED ALL MEETINGS

Arthur G. Baker	Albert B. Harris	Vere Radir Norton
Norval J. Cooper	Walter P. Kirksey	R. H. Purdue
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Charles De Le Fond	James E. Minds	Judge Emmet H. Wilson

### MEMBERS WHO ATTENDED ALL BUT ONE MEETING

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B. J. Bradner	Richard C. Goodspeed	Judge James H. Pope.
Edmond Fortune	Saul S. Klein	Rugby Ross

### MEMBERS WHO ATTENDED ALL BUT TWO MEETINGS

Judge William T. Aggeler	W. Joseph Ford	G. Roy Pendell
Robert E. Austin	Herbert Ganahl	L. H. Phillips
Florence M. Bischoff	Percy V. Hammon	Maurice Saeta
Judge Fletcher Bowron	Joseph Hansen	Judge Clair S. Tappaan
Charles Cattern	Judge William Hazlett	Frank G. Tyrrell
Judge Elliott Craig	John A. Jorgenson	George E. Waldo
Judge Hugh J. Crawford		Judge H. Parker Wood



## Book Reviews

HARRY GRAHAM BALTER of the Los Angeles Bar  
Assistant United States Attorney

DISREGARD OF THE CORPORATE FICTION AND ALLIED CORPORATION PROBLEMS; by I. Maurice Wormser, LL.D.; Professor of Law, Fordham University, New York; 1927; xxi and 199 pages; Baker, Voorhis & Co., New York City; Price, \$2.50.

Professor Wormser's little volume brings a ray of hope to those pessimists who insist that the cumbersome machinery of the law is a century behind the actualities of life and can never catch up with them. Written by a man thoroughly versed in the academic aspects of corporate organization, the book nevertheless reveals a remarkable insight into modern business and corporate problems, and the author's desire to lift the academic up to the date of the practical permeates every page of it.

The subject matter of this book can best be appreciated by a reading of the several chapter headings: Disregard of the Corporate Fiction—When and Why; Piercing the Veil of Corporate Entity; Voting Rights and the Doctrine of Corporate Entity; Legal Status of Joint Stock Associations; Power of a Corporation to Acquire its Own Stock; Legality of Corporate Voting Trusts and Pooling Agreements; and, May the Courts Compel the Declaration of a Corporate Dividend?

Professor Wormser, in discussing these important corporation problems, continually presents to the reader the needs of business and the success or failure of the law to meet those needs. So, in discussing the rights of a corporation to buy its own stock, he deplores the hallowed common law ideas that this is a fraud on creditors, is a wrongful grant of power to majority stockholders, and is a reduction of the corporation's capital stock; and, showing the fallacies in each of these contentions, asserts that in the absence of fraud or other wrong, there is nothing inherently vicious in a corporation's acquiring its own stock. This, in fact, is the keystone of all the views upheld by the author; that is, in the absence of fraud, there is nothing theoretically or practically wrong in the assumption by an individual or group of individuals of a corporate shield,

the establishment of voting trusts and pooling agreements, or the purchase by a corporation of its own stock or that of any other corporation, whether in part or in entirety. Archaic concepts must necessarily yield to present day needs. But when any of these steps are taken to perpetrate a fraud, the courts should promptly step in, disregard the fictions set up, "pierce the corporate veil," and prevent the abuse.

*Disregard of the Corporate Fiction* carries with it the force of the author's convictions. Professor Wormser expresses his views boldly and supports them with case authorities and hard-headed common sense. His book is a distinct contribution, conveying its message without indulging in a labyrinth of digression. Moreover its style is most delightful, very easy to read and by no means text-bookish. The reader is carried along as by a simple essay and only when he has finished and contemplates what he has read, does he appreciate that he has acquired a thorough recognition of the fundamental aspects of the problems discussed.

WILLIAM E. BALTER.

APPELLATE PRACTICE AND PROCEDURE IN THE SUPREME COURT OF THE UNITED STATES; by Reynolds Robertson; 1928; xxxix and 360 pages; Prentice-Hall, Inc., New York City.

Mr. Robertson is an assistant in the office of the Clerk of the Supreme Court of the United States. His aim was to write a manual of Supreme Court practice and procedure which would be helpful to the bar, and more specifically to produce "a chronological outline of proceedings necessary both in the Supreme Court and in the Lower Courts on Petition for a Writ of Certiorari, Writ of Error, or Appeal, to review a decision in the Supreme Court of the United States, and of steps necessary to be taken to file and conduct, or defend, a case in the Supreme Court upon the granting of a Writ of Certiorari, Writ of Error, or Appeal, or upon certified questions, with forms and citations of the applicable Statutes, Rules of Court, and Decisions."



This ambitious program of the author is well executed.

The work is commendably complete for a "handbook." It contains an orderly outline of the steps to be taken by an attorney in taking a case to the Supreme Court of the United States. The manual begins at the point where an attorney has lost his case in the highest State court or in a lower Federal court and has determined upon seeking appellate review by the Supreme Court. It tells in chronological order, all that must be done to have the proper appellate process allowed, and to get the case properly filed and heard in the Supreme Court. In like manner the book explains how to defend the suit when you are the attorney for the party which won the case in the State court or lower Federal court.

Among the topics discussed are: Filing a Petition for a Writ of Certiorari; Duties of Respondent on Petition for Writ of Certiorari; Procedure upon Denial of a Writ of Certiorari; Perfecting an Appeal to the Supreme Court of the United States; Requirement respecting Motions; Procedure in Court upon formal Submission of a Motion; and finally, Briefs, Ar-

guments and Submission of Cases.

Federal practitioners have been not a little concerned with the practical interpretation to be given to the Act of Congress of January 31, 1928 (Public Act No. 10, Seventieth Congress, First Session). By this law, the writ of error in Federal courts has been abolished. But it is a mooted question whether writs of error from the United States Supreme Court to the State courts have been affected by the act. Even should the act finally be construed as abolishing the writ itself in such cases, an understanding of the practice upon writ of error is nevertheless important for the reason that the act itself provides "That the review of judgments of State Courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts." The author of this work has therefore wisely given ample treatment of the old procedure (Chapters VII and VIII), and in Appendix "D" is found the new act together with an interesting discussion of its effect and of the difficulties involved in its application.

HARRY GRAHAM BALTER.

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